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Shooting Review

SH2320635

Miscellaneous Documents:

- ♦Administrative Rights Forms (2)
- ♦ Foot Pursuit Evaluation Form

Los Angeles County Sheriff's Department

Officer Involved Shooting

Report Date: September 8, 2012	Bureau/Station/Facility: Compton Sheriff's Station	Admin. Invest.? ☐ Hit? ☑

Incident Information

URN: 012-11417-2824-339	Date: 09/08/12 Time: 1917 hours
City or Station: Compton	Nature of Incident: Deputies Hoyos and Miranda saw a hit and run. the deputies pursued and suspect crashed. suspect ran on foot and turned toward deputy while holding waist. Deputy fired and hit suspect.
Location: 2100 Long Beach Boulevard, Compton	

Location Type (*check one or more*):
- ☐ Backyard
- ☐ Beach
- ☐ Business
- ☐ Freeway
- ☐ Industrial
- ☐ Park
- ☐ Parking Lot
- ☐ Residence
- ☐ Rural
- ☐ School
- ☑ Street
- Other:

Lighting (*check only one*):
- ☐ Darkness
- ☑ Daylight
- ☐ Other
- ☐ Street Lights

Weather (*circle only one*):
- ☑ Clear
- ☐ Cloudy
- ☐ Fog
- ☐ Rain

Distance: 30'

Incident Type (*check one or more*):
- ☐ Accidental
- ☐ Armed Person
- ☑ Fleeing Suspect
- ☑ Foot Pursuit
- ☐ Gun Take Away
- ☐ Moving Vehicle
- ☐ Sniper/Ambush
- ☐ Startle
- ☐ Struggle Involved
- ☐ Traffic Stop
- ☑ Unarmed Person
- ☐ Unintentional
- ☑ Vehicle Pursuit
- ☐ Warrant Service
- ☐ Warning Shot
- Other:

Initiated by (*check only one*):
- ☐ Arrest Warrant
- ☐ Call
- ☐ Observation
- ☐ One Person Unit
- ☐ Other
- ☐ Search Warrant
- ☑ Two Person Unit

Prior Activity (*check only one*):
- ☐ Detective
- ☐ Inmate Transport
- ☐ Other
- ☑ Routine Patrol

Aero Unit? ☐ Canine Unit? ☐

Total # of Shots Fired by Deputy	Total # of Shots Fired by Suspect
Dep. Hoyos, One Shot	0

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*check only one*)	ShiftType (*check only one*)
[redacted]	Miranda	Marco	A	☐ EM ☑ PM ☐ Day	☑ Regular ☐ Overtime ☐ Off Duty
				☐ EM ☐ PM ☐ Day	☐ Regular ☐ Overtime ☐ Off Duty
				☐ EM ☐ PM ☐ Day	☐ Regular ☐ Overtime ☐ Off Duty

Non-Employee Witnesses

Last Name		First Name			M.I.
Street Address	City	Zip Code	Work Ph	Home Ph	
Last Name		First Name			M.I.
Street Address	City	Zip Code	Work Ph	Home Ph	
Last Name		First Name			M.I.
Street Address	City	Zip Code	Work Ph	Home Ph	

Supervisors

Employee #	Last Name	First Name	M.I.	(*check one or more*)
[redacted]	Stone	Mark		☑ On Duty ☐ Present during shooting ☐ Witness to shooting ☐ Involved in shooting
[redacted]	Ebbinga	Kurtis	H.	☑ On Duty ☐ Present during shooting ☐ Witness to shooting ☐ Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	Johnson	Eric	

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	[redacted]	[redacted]	[redacted]

PSTD Use Only
SH # ______

SH-R-438A (rev. 04/18/13)

See Reverse

Officer Involved Shooting

URN: 012-11417-2824-339

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
09/08/12	1917 hours	09/12/12	

Employee #	Last Name	First Name	M.I.
[redacted]	Garcia	Jose	J.
[redacted]	Lopez	Mark	J.
[redacted]	McBride	John	M.

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious

(RM) Refused Med Treatment

(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(SS) SIG Sauer
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
10) 10 mm
12) 12 guage
20) 20 guage
21) .22-250
22) .22 caliber
23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED (one code per block)

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S #1	E #1	OO	NN	NN			NN	
E #1	S #1	FH	BR	9MM	Y	Y	GS	AD

Officer Involved Shooting
Involved Employee Information

URN: 012-11417-2824-339

Involved Employee

E 1

Employee # [redacted]	Last Name: Hoyos	First Name: Daniel	M.I.
Sex: M Race: Hispan	Rank: Deputy	Unit Assignment: CPT	Work Assignment (Unit #, Module, etc.): 284B
ShiftTime (*circle only one*): ☐ EM ☑ PM ☐ Day	ShiftType (*circle only one*): ☑ Regular ☐ Overtime ☐ Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☑
Hrs of sleep prior to shooting: 8	Duty Time (hrs): [redacted]	Clothing (*circle only one*): ☐ Plain Clothes no Vest ☐ Plain Clothes w/ Vest ☐ Raid Jacket no Vest ☐ Raid Jacket w/ Vest ☐ Uniform no Vest ☑ Uniform w/ Vest	Other Factors: Full Class "A" Uniform
Age: [redacted] Height: 6'	Weight: 215		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]		Laser Training Date: [redacted]
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? ☑ Number of Prior Shootings: 1 Directed Force: [redacted]
Weapons Fired Brand: Berretta 92FS	Caliber 9MM # Shots 1	Weapons Fired Brand:	Caliber # Shots
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]

E ___

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank:	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): ☐ EM ☐ PM ☐ Day	ShiftType (*circle only one*): ☐ Regular ☐ Overtime ☐ Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): ☐ Plain Clothes no Vest ☐ Plain Clothes w/ Vest ☐ Raid Jacket no Vest ☐ Raid Jacket w/ Vest ☐ Uniform no Vest ☐ Uniform w/ Vest	Other Factors:
Age: Height:	Weight:		
Range Qualification Date:	PPC Qualification Date:		Laser Training Date:
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings: Directed Force: ☐
Weapons Fired Brand:	Caliber # Shots	Weapons Fired Brand:	Caliber # Shots
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

E ___

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank:	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): ☐ EM ☐ PM ☐ Day	ShiftType (*circle only one*): ☐ Regular ☐ Overtime ☐ Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): ☐ Plain Clothes no Vest ☐ Plain Clothes w/ Vest ☐ Raid Jacket no Vest ☐ Raid Jacket w/ Vest ☐ Uniform no Vest ☐ Uniform w/ Vest	Other Factors:
Age: Height:	Weight:		
Range Qualification Date:	PPC Qualification Date:		Laser Training Date:
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings: Directed Force: ☐
Weapons Fired Brand:	Caliber # Shots	Weapons Fired Brand:	Caliber # Shots
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

Officer Involved Shooting
Suspect Information

URN: 012-11417-2824-339

Suspect Information

S 1

Last Name: Hernandez		First Name: Benjamin	M.I. J.
AKA Last Name		First Name	M.I.
Sex: M Race: Hispanic	Street Address: [redacted]	City: [redacted]	State & Zip Code: [redacted]
Work Phone:	Home Phone: None	Social Security #: Unknown	Driver's License #: [redacted]
Age: 37 D.O.B. 08/21/97	Height: 5' 3" Weight: 150	FBI # [redacted]	CII # [redacted]
Booking # 3294799	Primary Charge: Vehicle Theft, 10851 CVC	Secondary Charge: Evading Peace officer (Felony), 2800.2 CVC	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☑	Apprehended? ☑	Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make: Chevrolet		Model: Silverado	Year: 1999

S

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make: Lincoln		Model: Town Car	Year: 1998

S

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

See Other Side

INTERNAL AFFAIRS BUREAU
SHOOTING REVIEW SUMMARY

SH2320635

UNIT: **Compton Sheriff's Station, Central Patrol Division**

DATE: **September 9, 2012, Sunday**

TIME: **2103 hours**

LOCATION: **Oleander Avenue/Glencoe Street, Compton CA 90221**

URN #: **012-05800-2836-055**

On September 9, 2012, Lieutenant John McBride, Sergeant Mark Lopez and Sergeant Jose J. Garcia responded to a Command Post, located at the rear parking area of 2100 Long Beach Boulevard, Compton, in regards to a deputy involved hit shooting, where the suspect was struck by a deputy's gunfire. Compton Station Deputies Daniel Hoyos #[redacted] and Marco Miranda #[redacted] were involved in a vehicle pursuit and subsequent shooting of Suspect Benjamin Hernandez.

Deputies Hoyos and Miranda were assigned to a two man patrol car on the PM shift, in the city of Compton. Deputy Miranda was the driver and Deputy Hoyos was the bookman. They were traveling westbound Rosecrans Avenue and stopped at the red signal at Santa Fe Avenue. The deputies' radio car was positioned in the southbound turning lane. As they waited at the red signal, they were alerted to a sound of a vehicle collision in the Shell Gas Station, located on the southeast corner of the intersection.

The deputies noticed a male (Suspect Hernandez) driving a white Chevrolet truck who while driving through the gas station apparently struck another vehicle and a gas pump. Suspect Hernandez looked in the direction of the deputies and drove away at a high speed, eastbound Rosecrans Avenue from the location. As Suspect Hernandez drove out of the gas station, the truck's tires broke traction and screeched as he sped away.

The deputies followed the suspect eastbound Rosecrans Avenue and attempted to catch up to him. They activated their lights and siren and advised via dispatch that they were in pursuit of a reckless drunk driver.

The suspect drove eastbound in the westbound lanes as he traveled around slower vehicles on Rosecrans Avenue. Several motorists were forced to move out of the suspect's path in order to avoid colliding with him.

The deputies pursued the suspect to northbound Long Beach Boulevard, where the suspect continued to move in and out of both northbound and southbound lanes.

The suspect continued northbound Long Beach Boulevard across Pine Avenue and collided with a tree on the west side of Long Beach Boulevard.

The deputies stopped their radio car just south of the truck, at which time, the suspect exited the truck through the passenger's side window and ran northeast across Long Beach Boulevard.

The deputies exited their radio car and followed the suspect, on foot across, Long Beach Boulevard. Deputy Hoyos ran ahead of Deputy Miranda.

As the suspect came closer to the east curb line of Long Beach Boulevard, he began to look back at Deputy Hoyos and reached for his waistband with his right hand.

Believing the suspect was going to arm himself with a firearm and shoot him, Deputy Hoyos fired one shot at the suspect, striking him. The suspect immediately fell to the ground and the two deputies detained him at gunpoint. Deputy Hoyos advised via Sheriff's radio that he was involved in a deputy involved shooting. Once assisting deputy personnel arrived, the suspect was handcuffed by Deputy Miranda and taken into custody without further incident. No firearm was recovered on the suspect or on the scene of the shooting.

The suspect was treated at the scene and transported to Saint Francis Medical Center for a single gunshot to his torso.

> **<u>IAB Note:</u>** Internal Affairs Bureau Lieutenant John McBride contacted Watch Commander, [redacted] #[redacted] to ensure reasonable steps were taken to see that the involved personnel and/or any potential witnesses did not discuss the incident among themselves or with uninvolved persons prior to being interviewed by the assigned investigators.

In addition, Internal Affairs Bureau Lieutenant John McBride ensured that the Watch Commander attempt to have involved and witness personnel gather in the company of a supervisor (Watch Sergeant Eric Johnson #[redacted] until they have provided a statement to the assigned investigators.

IAB Note: The summary of this incident is based on physical evidence collected and cataloged at the scene by Los Angeles County Sheriff's Department Scientific Services/Crime Lab personnel, Internal Affairs Bureau Investigators' observations, as well as information obtained from the original crime report, supplemental reports, along with interviews of the involved employees and suspects. For further details regarding these documents, refer to **Exhibit A, Homicide Investigation.**

IAB Note: A diagram of the crime scene was included in the Homicide Bureau investigation. For further details regarding the positioning of vehicles, evidence and measurements of crime scene, refer to **Exhibit B, Crime Scene sketch.**

IAB Note: A Surveillance camera located on the east side of Long Beach Boulevard just north of Orchard Avenue was facing south and captured the shooting. For further detail regarding this video, refer to **Exhibit C, Surveillance Video.**

INVOLVED PERSONNEL:

Daniel Hoyos - Deputy Sheriff, #[redacted]
Central Patrol Division
Compton Sheriff's Station

EMPLOYEE WORK HISTORY:

Daniel Hoyos:

Date of Employment:	August 10, 2001	
Date Assigned to Patrol:	[redacted]	
Date Completed Patrol Training:		
Prior Shootings:	November 26, 2011,	SH2301830

INTERNAL AFFAIRS BUREAU
SHOOTING REVIEW SUMMARY

SUSPECT:

Benjamin Hernandez: MH/26

[redacted]

CII # [redacted] Main # [redacted]
FBI # [redacted]

CRIMINAL HISTORY:

Suspect Benjamin Hernandez: **Criminal History** consists of the following convictions:


[redacted]

[redacted]

<u>IAB Note:</u> For further details regarding Benjamin Hernandez' criminal history, refer to **Exhibit A, Criminal Case, Page 69 through 79.**

<u>EMPLOYEE WITNESSES:</u>

<u>Marco Miranda</u> - Deputy Sheriff, #[redacted]
Central Patrol Division
Compton Sheriff's Station

INTERNAL AFFAIRS BUREAU
SHOOTING REVIEW SUMMARY

EMPLOYEE WORK HISTORY:

Marco Miranda:

Date of Employment:	May 2, 2002	
Date Assigned to Patrol:	[redacted]	
Date Completed Patrol Training:		
Prior Shootings:	September 20, 2009,	SH2252404
	August 16, 2012	SH2318852

CIVILIAN WITNESSES:

A canvas of the area was completed following this incident by Compton Sheriff's Station personnel at the direction of Homicide Bureau and the Internal Affairs Bureau.

INJURIES:

Suspect Benjamin Hernandez sustained one single through and through gunshot wound to his stomach and his left back area. Suspect Hernandez was transported via ambulance to Saint Francis Medical Center for treatment. For further details regarding the wound, refer to **Exhibit A, Supplemental report by Deputies Alcona #[redacted] and Hernandez, Page 38.**

No deputy personnel were injured during this incident.

PHYSICAL EVIDENCE:

Surveillance Video:
A surveillance video camera facing south, located on the east side of Long Beach Boulevard, north of Orchard Avenue captured the terminus of the vehicle pursuit and shooting. **Refer to Exhibit C.**

WEAPONS USED BY DEPUTY PERSONNEL:

Deputy Daniel Hoyos:

Department–Issued Beretta 92FS, 9mm caliber, serial #BER[redacted] **1round** of duty issued 9mm caliber ammunition fired.

Deputy Hoyos carried his firearm with one live round chambered and 15 live rounds in the magazine, seated in the well. Following the shooting, one live 9mm caliber round was chambered and 14 live rounds were in the magazine seated in the well. Deputy Hoyos' round was located and accounted for at the crime scene. Deputy Hoyos was approximately 30 feet from the suspect when he fired his round. For further details regarding Deputy Hoyos' firearm, refer to **Exhibit A, Criminal Investigation, page 124,** the crime Lab examination of Deputy Hoyos' firearm.

WEAPONS USED BY SUSPECT:

Simulated weapon as he reached for waistband.

PROPERTY DAMAGE:

Vehicle, 1999 Chevrolet Silverado, 2 door white (CA Lic. #[redacted] belonging to victim of Auto Theft (legal owner, [redacted]:

Collision damage to front end (against tree).

Collision damage to left rear quarter panel/ bed (against Kia Sorento CA Lic. [redacted].

Vehicle 2005 Kia Sorento, 4 door, white (CA Lic. #[redacted] belonging to victim of Hit and Run, [redacted]:

Collision damage to left rear bumper and quarter panel.

> **IAB Note:** For further details regarding the damage to both vehicles, refer to **Exhibit E, Photographs (8) of damaged vehicles.**

CRIMINAL CHARGES FILED:

Suspect Benjamin Hernandez: Count 1: Evading Peace Officer (Felony), **2800.2(a) PC.**
Count 2: Taking Vehicle without Owner's Consent, **10851 CVC.**

Count 3: Hit and Run Driving,
20002(a) CVC.
Count 4: Obstruct Delay peace Officer,
148(a)(1) PC.
Count 5: Driving while Under the Influence of Alcohol/Drugs,
23152(a) CVC.
Convicted on Count 1. Count 2, 3, 4, 5 Dismissed as Part of Plea Bargain. Sentenced to 2 Years State Prison.

LIGHTING AND WEATHER CONDITIONS:

Weather was clear lighting consisting of late afternoon daylight.

INVOLVED EMPLOYEE STATEMENTS:

Daniel Hoyos:

Daniel Hoyos, Deputy #[redacted] Compton Sheriff's Station, was interviewed on April, 10, 2014 by Sergeant Jose J. Garcia and Sergeant Mark Lopez of the Internal Affairs Bureau. Deputy Hoyos was represented by Mitchell Kander of Green & Shine. The interview was conducted at the Internal Affairs Bureau and it was audio recorded. The following is a summary of the interview:

Deputy Hoyos said he and Deputy Miranda were assigned as a two man radio car on the PM shift in Compton. Deputy Miranda was the driver and he was the bookman on the day of the incident. While on patrol in a Sheriff's radio car, they were stopped at a red signal westbound Rosecrans Avenue on the southbound turning lane in order to travel onto southbound Santa Fe Avenue. As they waited at the signal, they were alerted to a sound of vehicles colliding in the Shell Gas station, located on the southeast corner. They saw a male (Suspect Hernandez) in a Chevrolet truck that appeared to have struck a vehicle and a gas pump. Suspect Hernandez looked in the direction of the deputies and drove out of the gas station onto eastbound Rosecrans Avenue at a high rate of speed. When Suspect Hernandez exited the gas station, his tires broke traction making a screeching sound.

The suspect quickly sped up to approximately 60 to 70 miles per hour and drove around slower vehicles as the deputies followed the suspect eastbound. The deputies reached speeds of up to 55 miles per hour as they followed the suspect.

Deputy Hoyos said the suspect was traveling eastbound on the westbound lanes forcing motorists to brake and move out of his path to avoid colliding with the suspect. The deputies activated their lights and sirens as they followed the suspect. Deputy Hoyos advised that they were in pursuit of a reckless drunk driver via Sheriff's radio.

The suspect turned onto northbound Long Beach Boulevard from Rosecrans Avenue and continued to travel northbound Rosecrans Avenue, in and out of the northbound and southbound lanes.

Deputy Hoyos said that they were never able to close their distance with the suspect enough to be able to read the truck's license plate.

Deputy Hoyos added that he believed the suspect was drunk and reckless due to his total disregard for the safety of others.

The suspect traveled northbound on the southbound lanes across Pine Avenue and collided with a tree located on the west sidewalk of Long Beach Boulevard.

Deputies Hoyos and Miranda arrived at the scene of the collision and Deputy Miranda positioned the radio car facing north just south of the truck.

As the deputies arrived, the suspect exited the truck through the passenger's side window and began to run on foot in a northeast direction across Long Beach Boulevard.

Deputy Hoyos and Deputy Miranda quickly cleared the truck's cab of any additional persons and followed the suspect on foot. He saw the suspect running at a full sprint with his arms swinging to his sides.

Deputy Hoyos was ahead of Deputy Miranda and knew Deputy Miranda was to his left as they ran. He was not aware of the distance between the two but knew they were together. Deputy Miranda advised assisting units via Sheriff's radio that they were in foot pursuit. Deputy Hoyos yelled commands at the suspect to stop running but the suspect ignored the commands.

Deputy Hoyos developed a concern as he saw the suspect's reckless efforts to escape. He believed the suspect may be running due to other felonious reasons and not just for a hit and run or being a reckless drunk. He was concerned that the suspect may hurt someone and or take someone hostage. Deputy Hoyos drew his handgun and held it in his hand as he ran.

As the suspect approached the east curb of Long Beach Boulevard, he looked over his right shoulder at Deputy Hoyos. Deputy Hoyos became concerned that the suspect may be "sizing him up" or trying to gain "target acquisition."

The suspect reached for his waistband as he began to look back at Deputy Hoyos. Simultaneously, the suspect turned clockwise toward Deputy Hoyos exposing his right side. Deputy Hoyos grew fearful that the suspect was going to draw a firearm and shoot him. From a distance of approximately ten to fifteen yards, Deputy Hoyos fired one single gunshot at the suspect striking him in the torso.

The suspect fell to the ground immediately on his stomach with his hands under his stomach. Deputy Hoyos added that this moment happened very quickly. Deputy Hoyos advised via Sheriff's radio that they were involved in a shooting

Deputy Hoyos yelled numerous times at the suspect to show his hands as he and Deputy Miranda held the suspect at gunpoint.

The suspect pulled his hands out to the sides after several seconds and surrendered.

Deputy Miranda handcuffed and patted the suspect down when assisting units arrived. The suspect was taken into custody without further incident. No weapon was recovered from the suspect.

IAB Note: The interview was paused while Deputy Hoyos was given the opportunity to view a surveillance video of the shooting in order to discuss the incident.

After viewing the video, Deputy Hoyos was asked if he would change any statements he made prior to viewing the video. He said his statements and accounts of the incident were consistent with what he saw in the video.

Deputy Hoyos was asked if after reviewing this incident would there be anything he would change, do different or better. He said he probably would have gone into containment mode and coordinated units in the area in the direction the suspect was running.

EMPLOYEE WITNESS STATEMENTS:

Marco Miranda:

Marco Miranda, Deputy #[redacted], Compton Sheriff's Station, was interviewed on April, 10, 2014 by Sergeant Jose J. Garcia and Sergeant Mark Lopez of the Internal Affairs Bureau. Deputy Hoyos was represented by Mitchell Kander of Green & shine. The interview was conducted at the Internal Affairs Bureau and it was audio recorded. The following is a summary of the interview:

Deputy Miranda said that he and Deputy Hoyos were assigned to a two man radio car on PM shift in Compton. He was driving and Deputy Hoyos was the bookman that day.

They were stopped at a red signal on Rosecrans Avenue on the southbound turning lane in order to travel southbound Santa Fe Avenue.

As they waited at the signal, he heard a sound of vehicles colliding at the Shell Gas station on the southeast corner. He and Deputy Hoyos looked in the direction of the sound and saw a male (Suspect Hernandez) in a white Chevrolet truck which appeared to have crashed against another vehicle in the gas station.

The two deputies discussed their observations and the possibility that the two motorists would make contact following the collision.

As they waited, the suspect looked in the direction of the deputies and sped out and away from the gas station eastbound Rosecrans Avenue from the gas station. As the suspect sped out of the gas station, his tires broke traction.

Deputy Miranda turned onto eastbound Rosecrans Avenue behind the suspect and initiated their light and siren. Deputy Hoyos advised that they were in pursuit of a reckless drunk driver via Sheriff's radio.

The suspect sped away ahead of the deputies and traveled eastbound on the westbound lanes of Rosecrans Avenue. Deputy Miranda believed the suspect was surely going to collide head on with a motorist.

Deputy Miranda said the suspect accelerated away and traveled at approximately 70 miles per hour. They were not able to close the distance with the suspect as they traveled behind him at approximately 50 to 55 miles per hour. He said he could not read the suspect's license plate due to the distance between them.

The suspect traveled eastbound on the westbound lanes causing motorists to brake and move out of the suspect's way to avoid colliding with him.

Deputy Miranda said he also traveled eastbound on the westbound lanes behind the suspect. He said he hoped motorist who traveled westbound would notice his lights and move out of the suspect's way in order to avoid a collision. He added that he did not "push it" by speeding up behind the suspect to close the distance as he did not want to become involved in a collision himself. As the suspect traveled eastbound on the number one westbound lane, he turned onto northbound Long Beach Boulevard.

Deputy Miranda believed they were pursuing a reckless drunk driver.

The suspect continued northbound Long Beach Boulevard and traveled northbound on the southbound lanes. As he passed Pine Avenue, the suspect collided with a tree located on the west curb of Long beach Boulevard, just north of Pine Avenue.

Deputy Miranda arrived by the truck and positioned the radio car facing north just south of the truck.

The suspect exited the truck from the passenger's window and ran northeast, across Long Beach Boulevard.

Simultaneously, Deputies Miranda and Hoyos exited the radio car and followed the suspect on foot across Long Beach Boulevard.

Deputy Miranda said he noticed that the suspect ran at a full sprint and did not appear to stagger or have any difficulties moving.

Deputy Miranda said he was running approximately seven to ten feet behind Deputy Hoyos.

Deputy Miranda developed a concern that the suspect maybe armed as well as the possibility that the suspect may barricade himself in someone's home if he got away from them.

As they ran, Deputy Miranda broadcast via Sheriff's radio that they were in foot pursuit of the suspect and provided a description to assisting units.

As the suspect neared the east curb line of Long Beach Boulevard, he looked back in the direction of Deputy Hoyos and reached for his waistband.

Deputy Miranda said he became concerned that the suspect may produce a firearm as he ran and fire it at Deputy Hoyos.

Deputy Miranda heard a gunshot and realized Deputy Hoyos fired at the suspect, striking him. The suspect fell to the ground immediately following the gunshot.

Deputy Hoyos advised assisting units via Sheriff's radio that they were involved in a shooting.

The two deputies detained the suspect at gunpoint until assisting units arrived. The suspect continued to be uncooperative for several seconds after falling to the ground as he held his hands under his waistband. The deputies ordered the suspect to show his hands repeatedly. Deputy Miranda patted the suspect down and handcuffed him without further incident. There was no firearm recovered from the suspect.

> **IAB Note**: The interview was paused while Deputy Miranda was given the opportunity to view a surveillance video of the shooting in order to discuss the incident.

After viewing the surveillance video, Deputy Miranda was asked if he believed his statements were consistent with the video and he said his statements were consistent with what he saw.

He added that on the day of the incident he did not remember seeing the school bus depicted in the video, which blocks the camera from a portion of the foot pursuit.

Deputy Miranda concluded by saying that after reviewing this incident and considering what he could have done different or better, he said he would have suggested to Deputy Hoyos that they advise Sheriff's Communication Center to patch their radio frequency with Century Sheriff's Station as they neared their jurisdiction.

<u>SUSPECT'S STATEMENT:</u>

On September 17, 2012, at approximately 1350 hours, Homicide Investigators Sandy Nava and Donald Walls contacted the suspect at Twin towers Correctional Facility-Treatment Center.

When Homicide investigators questioned the suspect about the incident, he said he did not remember what happened that day. He said he only remembered that he had been shot while crossing a street.

> **<u>IAB Note:</u>** The interview by Homicide Investigators of Suspect Hernandez was audio recorded. For further details regarding the Audio interview of Suspect Hernandez, refer to **Exhibit D, Audio interview of Suspect Hernandez.**

Several attempts were made to contact Suspect Hernandez in order to conduct an interview with him. On April 15, 2014, Miss Victoria Orafa, Attorney at Law contacted the Internal Affairs Bureau. She advised that she is representing Suspect Hernandez in a current civil lawsuit against the County of Los Angeles, following the above incident. She said that she advised her client (Suspect Hernandez) to not participate in an interview with the Internal Affairs Bureau as statements made may contradict his statement in an upcoming deposition regarding this lawsuit.